



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,986	12/21/1999	AKIHIKO NAKAZAWA	35.C14120	3093

5514 7590 09/27/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
----------	--------------

.1774

DATE MAILED: 09/27/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,986

Applicant(s)

NAKAZAWA ET AL.

Examiner

Lawrence D Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,8-13 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 14-16, 18 and 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8-13 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed July 02, 2002.

Claims 17, 19, 20, 28 and 29 were canceled and claims 1, 14, 15, 23, 24 and 30 were amended, rendering claims 1-3, 5, 8-13 and 30 pending, with claims 14-16, 18 and 21-27 withdrawn from consideration and will be rejoined upon allowance of the article claims.

Claim Rejections – 35 USC 103(a)

2. Claims 1-3, 5, 8-13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sypula et al. (U.S. 5,525,446) in view of Mitsubishi (JP 4255332) for the reasons set forth in paragraphs 9 and 10, in the previous office action, mailed April 11, 2001. Regarding newly added limitation to claim 1, 'wherein an extrusion material has a breaking extension of 2% or more and a tensile breaking strength of 40 MPA or more', the prior art of Sypula et al. (U.S. 5,525,446) in view of Mitsubishi (JP 4255332) meets such limitation. Although Sypula in view of Mitsubishi is silent towards a breaking extension and tensile breaking strength, the claimed breaking extension and strength are directly related to the extrusion material used. Since the references use the same endless belt (column 2, lines 55-56) comprising a melt extruded thermoplastic film

(column 3, lines 16-18), the breaking extension and tensile breaking strength would be expected to be the same as Applicant claims, absent a showing of unexpected results.

Response to Arguments

3. Examiner acknowledges Applicants request for rejoinder of Group II, claims 14-16, 18 and 21-27 in the event that the claims of Group I are allowed, as long as the claims of Group II are commensurate with claims in Group I. Group I has not been found to be allowable, therefore Group II remains withdrawn from consideration.

Applicant's arguments to 35 USC 103(a) being unpatentable over Sypula et al. (U.S. 5,525,446) in view of Mitsubishi (JP 4255332) have been fully considered but are unpersuasive. Applicant argues Sypula and Mitsubishi are silent regarding the presently claimed breaking extension or tensile breaking strength of the extrusion material.

Although Sypula in view of Mitsubishi is silent towards a breaking extension and tensile breaking strength, the claimed breaking extension and strength are directly related to the extrusion material used. Since the references use the same endless belt (column 2, lines 55-56) comprising a melt extruded thermoplastic film (column 3, lines 16-18), the breaking extension and tensile breaking strength would be expected to be the same as Applicant claims, absent a showing of unexpected results. Applicant reiterates argument "while Sypula does list a diphenyl sulfone as a possible resin, it does not teach or suggest that this resin is specifically suitable for the melt-extruded belt sized as in the present invention." Applicant uses Comparative Example 1 in the specification of the claimed invention to show the deficiencies of the prior art. Because Sypula discloses the

Art Unit: 1774

same resinous material as duly noted by Applicant, it would be obvious to one of ordinary skill in the art to use that particular resin for the melt-extruded belt as in Applicant's claimed invention because the reference teaches it. In addition, the sizing of the belt is in fact an optimizable feature. It would have been obvious to one of ordinary skill in the art to optimize the belt because discovering optimum or workable ranges involves only routine skill in the art. Additionally, Applicant has failed to show that the Sypula in view of Mitsubishi rejection cannot show these features of breaking extension and tensile breaking strength. Comparative Example 1 does not include the properties of the Sypula reference or Mitsubishi reference. Based on the above, Mitsubishi can supplement the teachings of Sypula.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for

Art-Unit: 1774

After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Lawrence D. Ferguson
Examiner
Art Unit 1774

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

